

REMARKS

INTRODUCTION:

In accordance with the foregoing, withdrawn claims 2 and 3 have been amended to depend from elected claim 1 for later examination pursuant to MPEP 821.04, and withdrawn claims 4 and 5 have been canceled without prejudice or disclaimer. No new matter is being presented, and approval and entry of the foregoing amendments are respectfully requested.

Claims 1-3 are pending, and claim 1 is under consideration. Reconsideration is requested.

NON-STATUTORY DOUBLE PATENTING REJECTION:

On pages 2-4 of the Office Action, the Examiner rejects claim 1 under the doctrine of obviousness type double patenting in light of claim 1 of U.S. Patent No. 6,578,163, claims 1 and 13 of U.S. Patent No. 6,697,307, and claims 1 and 11 of U.S. Patent No. 6,747,929. The rejection is traversed and reconsideration is respectfully requested.

In view of the enclosed Terminal Disclaimer, it is respectfully submitted that the rejection be withdrawn.

On pages 4-5 of the Office Action, the Examiner provisionally rejects claim 1 under the judicially created doctrine of obviousness-type double patenting in view of claim 1 of U.S. Patent Publication No. 20020049938 (now U.S. Patent No. 6,578,163). In view of the enclosed Terminal Disclaimer, it is respectfully submitted that the rejection be withdrawn.

On page 5 of the Office Action, the Examiner provisionally rejects claim 1 under the judicially created doctrine of obviousness-type double patenting in view of claim 1 of U.S. Patent Publication No. 20040081067 (pending as U.S. Patent Application No. 10/699,657). U.S. Patent Application No. 10/699,657 has not yet been indicated as being allowable. Since there remain no other outstanding rejections, it is respectfully requested that the provisional rejection be withdrawn and the application allow to issue in accordance with MPEP 804(I)(B).

CONCLUSION:

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot. And further, it is respectfully submitted that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited by the Examiner contacting the undersigned attorney for a telephone interview to discuss resolution of such issues.

If there are any additional fees associated with the filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

STEIN, MCEWEN & BUI LLP

By: 

James G. McEwen
Registration No. 41,983

1400 Eye Street, NW
Suite 300
Washington, D.C. 20005
Telephone: (202) 216-9505
Facsimile: (202) 216-9510

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